

Angela Davis' Lawyer Calls Case a 'Hoax Against Justice'

BY PHILIP HAGER

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SAN JOSE—The defense Thursday characterized the case against Angela Davis as "a gigantic hoax, not only on the defendant, but also against the name of American justice."

The contention was made by attorney Leo Branton Jr. in a wide-ranging, often emotional and demonstrative concluding defense argument that set the stage for the case to go to the jury today.

Branton, his voice rising, stood before an easel containing a drawing of Miss Davis wrapped and bound in chains. Ripping down the drawing to expose another picture of the defendant—without chains—the attorney exclaimed to the jurors

"We hope that you will pull away these chains as I have pulled away that piece of paper . . . there is no evidence in this case on which my client can be convicted."

Branton spent a considerable portion of the defense's three-and-one-half hour argument attacking the

proposition that Miss Davis, a well educated, former UCLA philosophy professor "would be so idiotic" as to join in a plot that led to the 1970 Marin Civic Center kidnap attempt and shooting, in which she is accused of murder, kidnaping and conspiracy.

"To find her guilty, you have to believe she's a fool," said the attorney. "You have to believe this college professor is such a fool she bought a shotgun Aug. 5—showing her driver's license and giving her autograph to the gun dealer for this gun that blew the judge's head off. For God's sake, give her more credit than that!"

In a dispassionate, almost casual rebuttal that took less than an hour, prosecutor Albert W. Harris Jr. used similar logic to make a sharply contrasting point.

Noting that Jonathan Jackson, the 17-year-old youth who smuggled the guns to three San Quentin convicts in Judge Harold J. Haley's court-

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ANGELA DAVIS

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room on Aug. 7, had been a constant companion of Miss Davis in the days before the incident, Harris said:

"Either Angela Davis knew what Jonathan Jackson was going to do with her guns, her shotgun, her books (that were contained in a briefcase Jackson carried into the courtroom), and the yellow rental van (the vehicle the kidnapers used), or for reasons that are beyond human comprehension, Jonathan Jackson was trying to implicate, to connect her—the one person who shared his devotion to his brother George—to the crime."

The state had charged that Miss Davis' love for convict George Jackson led her to provide four guns she had bought to the kidnapers, joining in a plot to take hostages at the civic center to bargain for the release of Jackson and two other convicts known as the "Soledad Brothers." Four persons—including Judge Haley and Jonathan Jackson—were killed in the incident.

The jury is scheduled to begin deliberations today after receiving its instructions from Judge Richard E. Arnason in the morning.

Branton told the jury

the state had failed to prove its admittedly circumstantial case against the 28-year-old defendant, an admitted communist and black militant figure.

"The prosecution doesn't know at all how they can connect Angela Davis with the events of Aug. 7," said Branton. "All they can do is prove what we admit: that Angela was associated with Jonathan Jackson, that Angela's guns were used by Jonathan; that Angela did have a desire to free the Soledad Brothers; that Angela had expressed love for George Jackson; and that following Aug. 7, she made herself unavailable."

"That's the totality of the case," he said. "There's not one other word of proof. They want you to guess."

Miss Davis, who did not testify in her own defense, sat impassively at the counsel table, wearing a black shawl and often cupping her chin in her hand.

Attorney Howard Moore Jr., who shared the defense arguments with Branton, stressed the heavy burden the prosecution carries in a criminal case: to prove the defendant guilty as charged—beyond a reasonable doubt.

"Reasonable doubt," repeated Moore. "Those two words are probably the most important words in

Anglo-Saxon American jurisprudence. Those two words determine who will be free and who will not."

Moore attacked the eye-witnesses the prosecution had presented who said they had seen Miss Davis with young Jackson at San Quentin Aug. 4, 5 and 6 and at a service station across the street from the Civic Center Aug. 6, in the rented yellow van the kidnapers used the following day.

These witnesses, he said, were "filling in" details of a description of a woman they had not reliably identified.

"I submit," said Moore, "there is not one credible eyewitness in this entire case."

Harris, in his counter-argument, attacked the credibility of defense witnesses who had sought to provide an alibi for Miss Davis during the critical days before the shooting. These witnesses, he noted, lacked corroboration for their stories and were admittedly supporters of Miss Davis.